

Chapter 5.60**FIGURE MODEL STUDIOS**

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5.60.010 Definitions. The following terms used in this chapter shall have the meanings indicated below:

- (a) "Figure model studio" means any premises where there is conducted the business of furnishing, providing, or procuring figure models who pose for the purpose of being observed or viewed by any person, or being sketched, painted, drawn, sculptured, photographed or otherwise similarly depicted in the nude or seminude before persons who pay a fee, or any other thing of value, as consideration, compensation, or gratuity, for the right or opportunity so to depict a figure model, or for admission to, permission to, or as a condition of, remaining upon the premises. Figure model studio does not include any studio or classroom which is operated by any state college or public junior college or school wherein the person operating said studio or classroom has met the requirements established in Division 21 of the Education Code for the issuance or conferring of, and is in fact authorized thereunder to issue and confer a diploma of honorary diploma.
- (b) "Figure model" means any person, male or female, who poses to be observed, viewed, sketched, painted, drawn, sculptured, photographed, or otherwise similarly depicted.
- (c) "Nude" or "semi-nude" means the exposure of male or female genitals, vulva, anus, pubic hair or cleft of the buttocks; or the exposure of any device which is intended to simulate either the male or female genitals, vulva, anus, pubic hair or cleft of the buttocks; or the exposure by any female of any portion of her breasts at or below the areola. (2045-5/76)

5.60.012 Disrobing prohibited. No person operating a figure model studio shall allow any customer or patron to disrobe while on the premises. (2087-7/76)

5.60.015 Disrobing prohibited--Sign. A person operating a figure model studio shall cause a sign to be posted in a conspicuous place visible from the main entrance of the establishment. Said sign shall contain the following message in letters of at least one and one-half inches in height and a corresponding width: "PATRONS ARE PROHIBITED FROM DISROBING ON PREMISES." (2087-7/76)

5.60.020 Permit--Required. No person shall engage in, conduct, manage or carry on the business of nude or semi-nude modeling, simulated nude or semi-nude modeling, or conduct, manage or carry on any place where such modeling is available or open to the public without a written permit. No person shall act as a nude or semi-nude model or simulated nude or semi-nude model for a fee or gratuity without a written permit from the Chief of Police.

A figure model studio permit shall not be issued to any person under eighteen (18) years of age or to a partnership, association or corporation, any officer or manager of which is under eighteen (18) years of age. (2045-5/76)

5.60.030 Permit--Application. Each person, before obtaining a permit to carry on the business of nude or semi-nude modeling or any form of simulated nude or semi-nude modeling for a fee or gratuity, shall make a written application to and upon forms furnished by the Chief of Police, which shall be signed by such applicant. In addition to any other information which may reasonably be required by the Chief of Police, the application shall show the true name of the applicant, any previously used fictitious name or names, his age, present address, proposed business address, and the business name and address of any similar businesses previously or currently conducted by the applicant. The applicant shall furnish his fingerprints and a recent photograph of himself to the Chief of Police. (2045-5/76)

5.60.040 Permit--Issuance. The Chief of Police shall issue such permit to such applicant if it shall reasonably appear to him, after investigation, that the applicant possesses good moral character and is a proper person to conduct or work at such business. The Chief of Police shall issue such permit to the applicant or deny such application within sixty (60) days from the date of receipt of the application and investigation fees. (2045-5/76)

5.60.050 Investigation fees. A fee of twenty-five dollars (\$25) shall be paid upon the filing of each application for a permit for the purpose of defraying investigation costs and expenses incidental to the processing of said application. The fee shall be payable to the City Clerk. Fees are not refundable. (2045-5/76)

5.60.060 Permit--Refusal--Appeal. Any applicant for a permit as defined in section 5.60.030 which is refused a permit by the Chief of Police may within ten (10) days of notice of refusal, appeal the refusal to the City Council. (2045-5/76)

5.60.070 Permit--Temporary--Suspension. Upon recommendation of the Chief of Police, the City Administrator may temporarily suspend the permit of any person holding same in the City, upon receiving satisfactory evidence that the permittee has been arrested or indicted for any violation of the provisions of this chapter or any other law or ordinance of the City or state relating to such business. Said temporary suspension shall remain in effect until such time as the criminal charges are dismissed entirely or the permittee is acquitted of the pending criminal charges or the permit is revoked, according to section 5.24.080 of this code. Whenever the permit shall have been temporarily suspended under the terms of this section, no other application for permit to carry on a similar business by such person shall be considered during the period of suspension. The action of the City Administrator in temporarily suspending a permit under this section is appealable by the permittee to the City Council. Such appeal must be taken in writing within ten (10) days after notice is given by the City Administrator to the permittee of such suspension. The City Council may sustain, overrule or modify the administrator's order of suspension. (2045-5/76)

5.60.080 Permit--Revocation. The City Council may revoke or suspend the permit and license of any person holding same in the City, upon receiving satisfactory evidence that the permittee or licensee has been convicted of, or has entered a plea of guilty to any violation of the provisions of this section or any other law or ordinance of the City or State relating to such business, or upon the recommendation of the Chief of Police. The Chief of Police may recommend revocation of any permit issued or granted under section 5.60.040 of this code if, after investigation the

permittee is determined to be a person who is not of good moral character or who is determined not to be a proper person to conduct or work at said business, or upon receipt of evidence that the permittee is engaging in immoral, improper or otherwise objectionable conduct or behavior. Whenever permit or license shall have been revoked under the terms of this section, no other application for a permit to carry on a similar business by such person shall be considered for a period of one year from the date of such revocation. (2045-5/76)

5.60.090 Permit--Revocation--Hearing. No permit shall be revoked until a hearing thereon shall have been had by the City Council, notice of which hearing shall have been given in writing and served at least ten (10) days prior to the date of such hearing upon the holder of such permit, his manager or agent, which notice shall state the grounds of the complaint against the holder of such permit, and the time and place where the hearing will be held. The notice shall be served on the holder of such permit by delivering the same to the holder, his manager or agent, or by leaving the notice at the place of business or residency of such holder with some adult person. If the holder of the permit cannot be found and service of such notice cannot be made upon him in the manner herein provided, then a copy of the notice shall be addressed to the holder of such permit at his place of business and deposited in the United States mail at Huntington Beach, California, with postage thereon fully prepaid, at least ten (10) days prior to date of such hearing. The time of such notice may be shortened by the City Council with the written consent of the holder of the permit. (2045-5/76)

5.60.100 Premises open for inspection. Every person engaged in the business of operating a figure model studio shall be open at all times during business hours to the inspection of the Chief of Police or any other officer of the City.

A person operating a figure model studio shall be responsible for and shall provide that any room or area used for the purpose of figure modeling shall be readily accessible at all times and shall be open to view in its entirety for inspection by the Chief of Police or any other officer of the City. No door shall be secured in any manner so as to impede inspection during normal business hours. (2045-5/76)

5.60.110 Premises open for inspection--Communication device. No person operating a figure model studio shall permit any type of communication device to be installed or used in any manner on the premises so as to interfere with or hinder inspections by the Chief of Police or any other officer of the City. (2045-5/76)

5.60.120 Employment of unlicensed figure models. No permittee or operator of a figure model studio shall employ, or utilize the services in any way of a figure model who does not possess a valid and subsisting permit to work for the permittee. (2045-5/76)

5.60.130 Figure model permit--Display. The permit issued by the Chief of Police to a figure model shall be retained on the person of such figure model while actually engaged in such activity and shall be displayed to any police officer or other office of the City upon demand. (2045-5/76)

5.60.140 Figure model permit--Return upon nonemployment. The permit issued by the Chief of Police to a person to act as a figure model for a licensed figure model studio shall be returned by such figure model to the Chief of Police within five (5) days after such figure model is no longer so employed. (2045-5/76)

5.60.150 Rules and regulations. Subject to the approval of the City Administrator, the Chief of Police may make such rules and regulations, not inconsistent with the requirements hereof, governing figure model studios and/or figure models. (2045-5/76)